

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HENRY EARL DUNCAN,) CASE NO. CV 92-1403 AHS
Petitioner,) **DEATH PENALTY CASE**
v.) JUDGMENT
ROBERT L. AYERS, JR.,) [Post-Appeal]
Warden of California State)
Prison at San Quentin,)
Respondent.)
)

Pursuant to the mandate of the United States Court of Appeals for the Ninth Circuit issued October 27, 2008, it is hereby ordered that the petition for writ of habeas corpus is GRANTED in part and DENIED in part, as follows:

Insofar as it challenges the judgment of conviction for first degree felony murder, robbery, and grand theft, in the case of People v. Henry Earl Duncan, Los Angeles County Superior Court Case No. A910836, the petition for writ of habeas corpus is DENIED.

Insofar as it challenges the special circumstance finding

1 and the sentence of death in the case of People v. Henry Earl
2 Duncan, Los Angeles County Superior Court Case No. A910836, the
3 petition for writ of habeas corpus is GRANTED. The special
4 circumstance finding and the sentence of death shall be
5 VACATED.

6 The State of California shall either: (a) institute
7 within 90 days of the date of this judgment any proceedings
8 necessary to permit the jury to make a new special circumstance
9 finding, or (b) impose on petitioner a sentence of 25 years to
10 life in prison, with appropriate credit given for time served.

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12 IT IS SO ORDERED.

13 Dated: November 3, 2008

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ALICEMARIE H. STOTLER

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Alicemarie H. Stotler
United States District Judge

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NOTICE PARTY SERVICE LIST DEATH PENALTY

Case No. _____ Case Title _____

Title of Document _____

ADR
BAP (Bankruptcy Appellate Panel)
BOP (Bureau of Prisons)
CA St Pub Defender (Calif. State PD)
CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
Case Asgmt Admin (Case Assignment Administrator)
Chief Deputy Admin
Chief Deputy Ops
Clerk of Court
Death Penalty H/C (Law Clerks)
Dep In Chg E Div
Dep In Chg So Div
Federal Public Defender
Fiscal Section
Intake Section, Criminal LA
Intake Section, Criminal SA
Intake Supervisor, Civil
MDL Panel
Ninth Circuit Court of Appeal
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PIA Clerk - Riverside (PIAED)
PIA Clerk - Santa Ana (PIASA)
PSA - Los Angeles (PSALA)
PSA - Riverside (PSAED)
PSA - Santa Ana (PSASA)
Schnack, Randall (CJA Supervising Attorney)
Statistics Clerk

US Attorneys Office - Civil Division -L.A.
US Attorneys Office - Civil Division - S.A.
US Attorneys Office - Criminal Division -L.A.
US Attorneys Office - Criminal Division -S.A.
US Bankruptcy Court
US Marshal Service - Los Angeles (USMLA)
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US Probation Office (USPO)
US Trustee's Office
Warden, San Quentin State Prison, CA

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Initials of Deputy Clerk _____

NOTICE PARTY SERVICE LIST, CONTINUED

Case No. CV92-1403-AHS (DEATH PENALTY)
Case Title: HENRY EARL DUNCAN v. AYERS
Document: JUDGMENT (POST-APPEAL)

ADD NEW NOTICED PARTIES:

1. Henry Earl Duncan
CDC No. D-30302
San Quentin State Prison
San Quentin, CA 94974
2. Clerk of Court
Los Angeles Superior Court
210 W. Temple Street, 2nd Floor
Los Angeles, CA 90012
3. Los Angeles County District Attorney's Office
210 W. Temple Street, 18th Floor
Los Angeles, CA 90012
4. Michael G. Millman
Executive Director of California Appellate Projects
101 Second Street, Ste. 600
San Francisco, CA 94105

enm